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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,061	02/22/2000	Klaus Hobel	ACO2603P1US	1447

7590

11/05/2002

Joan M. McGillicuddy  
Akzo Nobel Inc.  
Intellectual Property Department  
7 Livingston Avenue  
Dobbs Ferry, NY 10522-3408

EXAMINER

SERGEANT, RABON A

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 11/05/2002

8/11

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/510,061	02/22/2000	Hobel	ACO2603P1US

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on August 20, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' amendment to claim 1 is ambiguous and causes the subject matter of claim 1 to not be commensurate in scope with applicants' arguments, filed February 11, 2002. Within the response of February 11, 2002 to the prior art rejection, applicants argue that C is a hydroxyl reactive group; however, while the hydroxyl reactive group language is present within the definition of C within the August 20, 2002 amendment to claim 1, applicants have reintroduced non-hydroxyl group reactive structures within the Markush group of C. As a result, it is unclear how to interpret the arguments with respect to the prior art rejection, as it pertains to instant claim 1. Furthermore, the amendment fails to comply with the provisions of 37 CFR 1.121(c)(1)(ii), because the added structures are not "marked" in the marked-up copy of the claim. Lastly, it is noted that the conflict caused by specifying hydroxyl functional structures or non-hydroxyl reactive structures as being hydroxyl reactive renders the claim indefinite. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

It is noted that applicants' claims contain improper Markush groups, because the species have not been specified in the alternative. If the phrase, "selected from the group consisting of", is not used, then "or" should be used in the species grouping.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

R. Sergent

  
RABON SERGENT  
PRIMARY EXAMINER

November 4, 2002